

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, ex rel., and)	
FLFMC, LLC.,)	Civil Action No. 10-773
Plaintiffs,)	
v.)	Judge Arthur J. Schwab
)	
ACE HARDWARE CORPORATION,)	<u>ELECTRONICALLY FILED</u>
)	
Defendant.)	

**MOTION TO PERMIT ALTERNATIVE COUNSEL TO ATTEND INITIAL CASE
MANAGEMENT CONFERENCE OR, IN THE ALTERNATIVE, TO CONTINUE
INITIAL CASE MANAGEMENT CONFERENCE**

AND NOW comes Defendant, by and through its undersigned counsel, and files this motion to permit alternative counsel, other than chief trial counsel, to attend the initial case management conference in the above matter, or in the alternative to continue the initial case management conference, and in support thereof, states as follows:

1. On Monday, July 19, 2010, counsel for Defendant, shortly after being retained by Defendant in this matter, entered their appearances and filed a Local Rule 7(E) stipulation seeking an extension of time to file a responsive pleading in the above matter.
2. The Court approved the stipulation, in part, the following day, and required Defendant to file its responsive pleading on or before this coming Tuesday, July 27, 2010, in light of the scheduled initial case management conference on Thursday, July 29, 2010.
3. The undersigned chief trial counsel for Defendant, are unavailable to attend the initial case management conference in person on Thursday, July 29, 2010; Attorney Stroyd will be in South Carolina at a board of directors meeting for a client for which he is general counsel and Attorney Logue will be in California at a client meeting.

4. Attorney Stickman, who is an attorney with Del Sole Cavanaugh Stroyd LLC, has entered his appearance in this matter and is fully prepared to attend and participate on behalf Defendant at the scheduled initial case management conference.

5. Should the Court not permit the attendance of Attorney Stickman for this initial case management conference, in the alternative, the undersigned respectfully requests a continuance of the initial case management conference.

WHEREFORE, Defendant respectfully requests that this Honorable Court permit Attorney Stickman to attend and participate in the initial case management conference and that the Court enter the attached, proposed Order allowing such participation.

By: /s/ Arthur H. Stroyd, Jr.

/s/ Matthew T. Logue

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